

An Alternative for Workers Comp Dispute Resolution

Sometimes employers and their employees don't agree about the issues in a workers compensation claim. They may disagree about the nature of the incident or the amount of bodily harm that was done.

That brings attorneys, their clients and a KDOL Workers Compensation administrative law judge together to settle the issues at a preliminary or regular hearing.

In an effort to save time and money for travel to face-to-face hearings for all those who would be involved in such a hearing, an alternative dispute resolution pilot project was launched in Southeast Kansas earlier this year.

"The goal of the program is to see if we can improve communications between the parties, exchanging information before a face-to-face hearing is necessary, saving everyone time," said Robin O'Dell, who is responsible for the pilot project.

"This is a tool the parties can use to make the process easier for everyone."

The first test site has been in Pittsburg for all cases that would have been heard in that city.

In the past, when a hearing was scheduled in Pittsburg, Judge Ken Hursh from the Overland Park workers compensation office would drive to Pittsburg, she said.

Often the attorneys representing the insurance carrier and the injured worker also must drive to the hearing site from distant locations, she noted.

As part of the new pilot project, O'Dell contacts the parties and makes sure they all are familiar with the issues in the case before a hearing is scheduled. "Often, when the necessary information is exchanged, the case can be worked

out without the need for a judge," she said. "We can resolve many issues without the need for a hearing. When a hearing must be held, everyone knows where they are and the hearing is quicker because the preliminaries already are out of the way."

The Pittsburg pilot has been successful. Of the cases that were processed for the pilot project, 40 percent were concluded without the need for formal hearings. Now alternative dispute resolution will be expanded, beginning later this month, to Independence. ★

What is Workers Compensation?

Workers compensation is an insurance plan provided by law that covers anyone injured, disabled or killed while on the job. The coverage is paid by employers and provided by policies through insurance companies, group-funded pools or by the employer through self-coverage. Basically, current Kansas law covers all Kansas employees except certain agricultural pursuits and businesses with a gross annual payroll of \$20,000 or less.

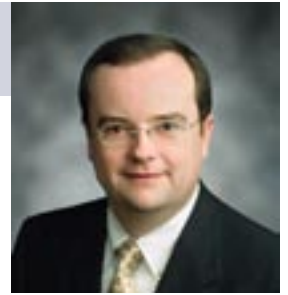
Kansas passed its first workers compensation law in 1911. The Kansas program is monitored by KDOL.

Anyone injured on the job is entitled to all medical treatment that may be needed to cure or relieve the effects of the injury. Under the law, the employer has the right to choose the treating physician. If the injured person seeks treatment from a doctor not authorized or agreed upon by the employer, the employer or its insurance company is only liable up to \$500 in medical bills. The employee has the right to apply to the director of workers compensation for a change of doctor.

Kansas workers compensation law requires that an employer or its insurance carrier pay an eligible injured employee two-thirds of the employee's gross average weekly wage up to the amount of the applicable maximum benefits. Weekly compensation is payable at the applicable rate until the doctor releases the injured worker to return to work. ★

Categories of Disability Compensation Benefits:

- Temporary Total Disability is paid when the employee, due to an injury, is temporarily unable to engage in any type of substantial and gainful employment. Benefits are paid for the duration of the disability.
- Permanent Total Disability is paid when the employee, due to an injury, has been rendered completely and permanently incapable of engaging in any type of substantial and gainful employment.
- Permanent Partial Scheduled Disability is paid when the employee sustains complete or partial loss of use of a body part, such as an arm, due to a job-related injury.
- Permanent Partial General Disability is paid when the employee sustains permanent partial disability not specifically covered by the schedule. Compensation is based on the percentage of disability remaining after recovery and is limited to 415 weeks. ★



Workers Memorial Day

We began this year watching tragedy unfold in West Virginia. After spending the weekend welcoming the new year, the nation was saddened to learn that a group of miners were trapped in the Sago Mine. We shared the emotional swings of the miners' family and friends. We rejoiced for a brief time when there were rumors that the miners had been found alive, only to sink into sadness as we discovered that only one miner was alive and that 12 had perished.

The tragedy at the Sago Mine focused the nation's attention on the importance of workplace safety. Unfortunately, before the year's end, thousands more workers in our country will be injured or killed on the job. Most of these events will not make national news and many will not be mentioned in local news media.

April 28 was Workers Memorial Day, a time to remember those individuals who were killed due to work-related accidents. Governor Sebelius issued a Proclamation designating April 28 as Workers Memorial Day in Kansas. I accompanied her to an event in Wichita

commemorating the day and I also attended a similar event in Kansas City, Kansas. The day was selected as Workers Memorial Day because it is the anniversary of the establishment of the Occupational Safety and Health Administration (OSHA).

The Kansas Department of Labor plays a major role concerning workplace safety in Kansas. Our Labor Market Information Services is responsible for gathering data on the number of workplace fatalities and injuries each year in Kansas.

In addition, our Industrial Safety and Health Division offers a variety of services aimed at promoting safer workplaces. We offer free programs to businesses to help them identify potential safety hazards and improve the conditions of their work sites through our consultation services. Our programs are delivered by well-trained, professional safety and health staff that can help establish or strengthen an employee safety and health program. Over the last year, we responded to more than 1,000 worksites requesting safety consultation services. We also offer OSHA training for those

requesting this service and we have a library of safety videos available without charge to employers in Kansas.

I am happy when I can attend a recognition ceremony for one of the Kansas worksites that have earned designation under our Safety and Health Achievement Recognition program (SHARP). This is an elite group of companies recognized by OSHA for their high level of commitment to health and safety. In a continuing effort to promote workplace safety, KDOL this year has launched our K-SAFE award program. We will recognize worksites that have achieved 100,000, 500,000 and 1 million work hours of operation without lost-time injuries.

It is important that we recognize Workers Memorial Day and keep the memories of the victims of workplace accidents before us. Moreover, it is important that we rededicate ourselves to making workplace safety a priority. I am proud of the contribution KDOL makes to this worthy goal through the services we provide. ★

Dear John . . .

Does Building and Office Services (BOS) no longer exist?

The responsibilities of BOS have been split among other KDOL divisions and the division known as BOS is no longer. The various units have been placed within other divisions in the internal support services area. We believe this will streamline work and continue to provide good customer service to KDOL employees.

Purchasing is now part of the Fiscal division. Its daily interaction with

Fiscal makes this an efficient match.

The front desk at 401 and the Mail and Supply Center were added to the Marketing and Communications Division. Both are part of our public outreach and a natural fit with Marketing and Communications.

Reporting to the Assistant Secretary/Chief Administrative Office is a new Office of Facilities Management. It is responsible for overall management of all KDOL facilities, including

maintenance, coordination of move requests and other facility issues.

While these units are within different divisions, their basic responsibilities and personnel have not changed. All related matters should be forwarded to the appropriate units as previously. ★

If you have a question, please submit it either through interoffice mail or via e-mail to John Polzar at john.polzar@dol.ks.gov.

Staff Profile – Sheila Morelock

This month we visit with Sheila Morelock, another member of the UIM staff and team lead. She is a Management Systems Analyst II.

What is your “regular” job with KDOL? My “regular” job was as an Information Technology coordinator for Benefits defining project requirements, program logic, implementation of new/changing processes, including training to call center staff. I am also the liaison between the Benefits administrative office and call centers for identifying issues and resolution of issues.

What is your role with the UIM project? I am the team lead for Benefits as well as a subject matter expert in the field of Unemployment Insurance programs.

How long have you been involved in UIM? Since April 2005.

What do you see as the major importance/benefit of the project? To align our current business processes to provide better customer service, to both internal and external customers, reduce our labor intense processes and to have integrated operations lessening the duplication of many processes we currently perform. Also, due to legislative changes that occur, a system that can easily adapt to these changes.

From your perspective, what need(s) of KDOL will the project meet? I believe we will have a more efficient method of conducting business.

What has been your principal challenge with the project? With the “As Is” process, it was insuring all our current processes were captured correctly. With the “To Be” it is thinking at a “high” level.

How is the project going? What progress? What’s next? I think the project is going very well. We have all “jelled” as a team and our progress with the “To Be” is exciting and exhausting by the end of the day. We continue to think how to do business better.

What have you learned about KDOL operations that you didn’t know before the UIM project began? I have learned so much about each department in our agency, not only what they do but how and why they perform certain tasks. I’ve also learned about current technology.

Any other comments or thoughts to share with the agency about the UIM project?



Although I am a long-time employee, my main focus has been with UI. During this project I have been able to see the agency as a “whole” instead of being focused only on UI. ★

Employees Respond to Change Survey

A survey about the UIM project was presented to all KDOL employees earlier this year. In total, 319 employees received the survey and 56 percent responded.

The survey found there is generally a good understanding of the concepts in the KDOL Strategic Plan with 71 percent of respondents indicating they understand the concept of “integrated operations” and 80 percent responding they understand the concept of “customer-focused assisted self-service.”

Overall, responses indicate that KDOL staff are ready to accept the change that UIM will bring. Most feel that there is a compelling reason to change. They also believe their managers will support them and the change itself.

Eighty-five percent of the respondents see a compelling need for UIM and to change.

The entire report on the survey results is found on the KDOL Employee Intranet at http://www.dol.ks.gov/intra/uim/uim_project.htm. Other information and updates about the UIM project also is found at that site.

If you have any questions about the project, please e-mail them to UIM@dol.ks.gov. ★

Customer Service – It's Everything We Do

KDOL and the KU Public Management Center (KU PMC) have collaborated to present the class "Customer Service – It's Everything We Do" to every employee of KDOL during April, May and June.

The goal is to continually improve service to both KDOL internal and external customers.

Thanks to the efforts of Jonathan Morris and Marvin Stottlemire, instructors at KU PMC, this class has been very well received by staff who have already attended.

The class is the perfect mix of participation and discussion. Those employees who have not yet attended will discover some new ideas about serving the customer as well as characteristics of excellent customer service:

- Service
- Attitude
- Consistency and
- Teamwork

You, too, will find yourself repeating the phrase, "Give 'em the pickle."

Many of the tips and suggestions are classic customer service strategies we may have heard before, but the presentation is managed in a fresh and interesting way. Because we provide service every day, it is important to refresh our skills periodically in order to keep our customer service at its best.

Some comments from attendees:

"Marvin was excellent! 'Pickle' film was very good!"

"Instructor was great keeping my attention."

"I needed this course!"

"This could possibly be an all-day course. Jonathan was excellent."

"Thank you for a great training session."

"Jonathan made the course much more than I expected! Thanks."

"Jonathan is the best presenter I've ever encountered. He did his homework and it was obvious that he understands our agency's responsibilities and history of change. Course is excellent! Love the pickle!"

"Good group discussion and applying principles to KDOL."

"Great video and class participation."

"Jonathan involved attendees, but did not make it uncomfortable for those interacting. Thank you!"

Mail Center Upgrades Bar-Code Sorter

In early April, the bar-code sorter used to process outgoing mail in Topeka was upgraded to provide more efficient service. The reader helps sort large mailings into postal areas, which in turn allows KDOL to receive a postage discount.

While responsibility for the Mail Center has been moved to the Marketing and Communications division, its responsibilities and staff are unchanged.

The primary duties of the agency mail center are to process all incoming and outgoing official mail for the Department of Labor. This is accomplished through a variety of services:

- Pick-up, sort and route incoming agency mail to the proper units
- Deliver agency mail to all Topeka locations
- Prepare outgoing mail for entry into the postal mail stream either by meter impression or bar coding
- Insert and bar code agency permit mail
- Label and tab mailings for newsletters, conferences, etc.
- Mail or deliver supplies to agency locations
- Mail daily to all field locations
- Pick up and shred all confidential agency documents, and
- Address list database management.



Outgoing mail is placed in a scanner which reads the envelope's ZIP Code and rapidly sends it down the line to the appropriate bin to get it to its destination quicker and with less postage cost.

Look who's SHARP – Adronics/Elrob Manufacturing

Adronics/Elrob Manufacturing Corporation became a part of the SHARP program earlier this year. It was founded as an original equipment automotive and communication parts manufacturer. The corporation was started in New Jersey in 1948 by William A. Robinson, and partially relocated to Hays in June 1990. Adronics/Elrob is a third generation company with Rick Robinson now serving as president, Karen Robinson Murphy, vice-president in the Detroit Engineering Office, and Troy Robinson, vice-president in the Hays plant.

The company's customers include some of the world's largest auto manufacturers. The company

the production area, machine shop and warehouse areas, looking for safety concerns. If potential hazards are disclosed, we take care of these potential hazards. All the consultants have been extremely helpful and courteous," she said.



Adronics/Elrob has seen a significant reduction in company accidents and injuries. Employees are required to follow the company safety rules and be involved in safety. They provide continuous training in safety for all Adronics/Elrob employees.

"It would be a great and rewarding achievement, as well as an honor, for any company to get into SHARP," Giebler said. "It encourages employees to be aware of the safety issues in their work environment, which subsequently results in fewer incidents. It requires full cooperation and dedication from every employee to achieve the SHARP recognition." ★



manufactures resistor boards, coaxial cable and radio antenna systems, primarily for GM vehicles.

Adronics/Elrob is located in Cedar Grove, New Jersey, and Hays, Kansas, where they have 170 employees.

Through SHARP, "our safety concerns have been addressed and we are continuously improving our safety policy and issues," said Sharon Giebler, Safety Director/Coordinator.

"We have been working with KDOL consultants since 1991. Our first state inspection was March 13, 1991. Since that time we have had state consultations inspect the entire plant every two years, walking through

"SHARP recognition means we are following OSHA compliance, following their safety procedures, and informs our potential customers that 'safety' is a high priority with every employee. They are actively informed on safety issues," Giebler said. "Our management, safety committee and employees are highly involved in safety. Management constantly reiterates issues to make our working environment as safe as possible for all employees."



Following the SHARP recognition ceremony in Hays April 11, visitors toured the plant.



Headache?

I continue to receive numerous complaints about headaches. Headaches often are caused by eye strain. If you are experiencing tired or burning eyes or headaches during the work day, please consider the following:

While working at a computer, the principal factors affecting the ability to see well are:

- glare
- the luminance (brightness) difference between what is being looked at and its immediate environment
- the amount of light
- the distance between the eye and the screen and document
- the readability of the screen and document
- the worker's vision and his or her corrective lenses

Watch out for direct glare. Direct glare involves a light source shining directly into the eyes – ceiling lights, task lights or bright windows. To determine the degree of direct glare, you can temporarily shield your eyes with a hand and notice whether you feel immediate relief.

Reflected glare, such as on computer screens, sometimes causes eyestrain. But its worst effect may be causing you to change your posture to an uncomfortable position in order to see well.

The most overlooked cause of eyestrain in offices is contrast – usually, a dark screen surrounded by a bright background such as a window or a lit wall. This problem occurs mainly on screens with light letters on a black background.

How much light is right? It depends on your age, the quality of the print you're reading and other factors. There should be plenty of light for easy reading, but too much light, depending on the person, can cause eyestrain.

Eyes are strained more by close viewing than by distant viewing. The “right” distance for computer monitors and documents depends entirely on how clearly they can be read at a given distance. The general rule is to keep viewed material as far away as possible, provided it can be read easily!


If you gaze at something too long, your eyes can tire. Eyes need to focus at different distances from time to time. It's a good idea to follow the “20/20 rule” – every twenty minutes, look twenty feet away for twenty seconds.

If two objects are only a couple of inches different in their distance from the eyes, the eyes actually do NOT have to refocus to look from one to another. Greater distance differences, however, can overwork the eyes if you have to look from one object to another frequently – as when typing from printed copy and looking at the

screen. In general, keep viewed objects at about the same distance if you have to look back and forth a lot.

Sometimes eyestrain is just a case of dry eyes. Lowering the monitor can help. Looking downward means more of the eye surface is covered by the eyelid, the eyes unconsciously blink more and they produce more lubrication.


Bifocal wearers often experience sore necks and shoulders because they have to tip their heads back to see the computer screen.

- Lower the screen as much as possible – if it sits on the CPU, move the CPU.
- If necessary, remove the monitor's tilt-swivel base (consult a computer hardware person first) to lose a couple additional inches. 

Are You Safe 24/7?

Safety in the workplace has improved significantly in the past 30 years. But what about safety off the job? According to the National Safety Council (NSC), 60 percent of injuries that keep employees off the job happen away from work – in vehicle crashes and around the home.

Do you have a 24-hour safety attitude? Here are the major safety suggestions from the latest NSC Report on Common Injuries in America for at home safety:

- Reduce risks for falls with the use of handrails, grab bars and nightlights. Firm-soled shoes reduce risk of tripping.
- Prevent medication errors by following dosage instructions precisely.
- Keep medicines and cleaners out of children's reach.
- Have a fire escape plan. Keep extinguishers in risky areas and check smoke detector batteries regularly.
- Use protective gear, such as safety helmets, during biking, inline skating and other sports. 

Employee Updates

New Employees



Teri Briel is a new state auditor II in Unemployment at Great Bend.



Judi McBroom is a new state auditor II in Wichita. She has a bachelor's degree in business administration and an associates degree in legal assistance from Wichita State University. Her daughter, Braedyn, is five.



Sandi Ray is a senior administrative assistant in Workers Compensation in Topeka. She is a native of Topeka and attended Kaw Valley Vo-Tech. She and her husband, Rusty, have a daughter, Jamie.



John Yeary is an attorney IV in Workers Comp. He is a native of Beloit and graduated from Kansas State University and Washburn University School of Law. He and his wife, Barbara, have two children.

* Addendum *



This is **Sherry Hutcheson** (left) and **Lon Green** (below), who were introduced last month as new state auditors II in UI Tax Contributions in Wichita and Overland Park, respectively.



Compliments

Roberta Taylor, Topeka Call Center

I appreciate the assistance I received when I called you. She was very helpful and kind. She didn't make me feel any more of a fool than I already felt for being so careless about the review.

~ A claimant

Carol Cast, Workers Compensation

I just wanted to write and say how much Congressman Moore's office and I appreciate your great work on this case. You obviously went above and beyond to continue and follow through with this most important matter facing our constituent. Again, thanks for your efforts and we look forward to future correspondence.

~ Chris Veeh
Constituent Services

Faith Farrell, UI Tax Contributions

We had a call that a business was having a layoff for one week for 500 people, but they didn't provide the wage listings on the file. I contacted Faith and she "sprang into action." She

found the report and had it keyed for us. Thanks to her quick response the claims could be processed. This saved us from doing 500 benefit claims. Faith stepped in and saved us all.

~ Penny Klepinger
Region III Field Supv.
Wichita

Rose Day & Claudia Mills, Kansas City UI

My thanks to your staff. Rose blessed us with a presentation of UI facts at a Rapid Response meeting for workers being laid off at Day and Zimmerman in Parsons. A long drive for her, but still, Rose was great at both delivering to the point, accurate, specific information that the attendees needed, and, keeping their attention. She was willing to answer any of their queries no matter how large or offbeat the question.

Having Rose in the room is a relief in knowing that the unemployment portion will be handled in a professional manner.

~ Randal Neely,
Chanute Workforce Center

Attention

The last day to use excess vacation leave accrual is June 16. For those with overage, up to 40 hours of excess vacation time will be converted to sick leave.

Service Awards

May 2006

20 years -

Micah Ross Research Analyst II
LMIS

The *Inside Source* is published monthly by the Office of Marketing and Communications, Kansas Department of Labor, 401 SW Topeka Blvd, Topeka, KS 66603, for employees of KDOL. Please submit newsletter ideas and retiree change of address information to Sue Henke, Editor, 785-296-3369 or email sue.henke@dol.ks.gov